

PRIVATE ROADS IN
LYNDON TOWNSHIP

Identifying the problems with
Unapproved and non-conforming
Private roads

And

Setting the standard for
Better neighborhood roads

2002

LYNDON TOWNSHIP

of Washtenaw County

17751 N. Territorial Road - Chelsea, Michigan 48118 (734) 475-2401 Fax 475-2251

LYNDON TOWNSHIP PRIVATE ROAD INFORMATION

BACKGROUND INFORMATION:

Lyndon Township established standards for private roads a number of years ago. However, at that time there were already several private roads in existence. Almost every one of those roads was in old platted subdivisions around the lakes. Back at the time these plats were created and the lots sold, Lyndon Township was considered rural "up north." The homes located on the small lots were seasonal cottages. The roads were rarely accessed in the spring and winter when high water tables make the roads soft. Fire trucks were probably rarely called out because most people didn't have phones at their cottages, and the engines were tiny compared to today's standard engine/tanker. The ambulance didn't have advanced life support equipment on a dual axle chassis but instead doubled as the local hearse which was an automobile. By today's standards, we would call them "two-tracks" - not roads.

SETTING STANDARDS:

The Lyndon Township Private Road Ordinance tried to assure that any subsequent private road met the same standards as a County local road with the exception of paving. That is, the road had to have a 66' easement for a reasonable driving surface as well as adequate drainage ditches, room for public utilities and a place to accommodate plowed snow. Dead end roads had to have an adequate area for turnaround. Overhead wires had to be high enough to assure safety for trucks, and proper signage assured that public safety officers could find the road quickly in response to an emergency call for service. Any new private road had to have a homeowner's road association formed for the sole purpose of funding and maintaining the private road to the Lyndon Township Private Road standards. The new private road then would be termed "AN APPROVED PRIVATE ROAD." If the homeowner's association allowed the road to fall into disrepair, that road would then become an UNAPPROVED PRIVATE ROAD.

As years passed, continuing problems of a different nature finally prompted Lyndon to join a number of other communities and Lyndon no longer allows new private roads. Today a new road built in Lyndon Township must be dedicated to the public and accepted by the Washtenaw County Road Commission.

APPROVED - UNAPPROVED -

Your road is an UNAPPROVED NON-CONFORMING private road. The Lyndon Township Board has been encouraging private road residents for years to join together and form a homeowner's association for the purpose of funding and maintaining their private roads. Without that permanent deeded provision to assure continuing

maintenance of the road, a zoning/building permit cannot be issued on that road until *at least* minimum safety criteria are met. Sometimes it is as little as cutting down brush at the intersection to the public road for improved site distance. Other times it involves more work.

PRIVATE ROAD VARIANCE AND PUBLIC HEARING:

When a person living on an unapproved private road applies for a zoning/building permit, he/she must also file an application to obtain *a variance to the Lyndon Township Private Road Ordinance*. This involves a fee to cover all the township's costs on behalf of the applicant. The application fee is \$450.00. This non-refundable application fee covers the cost of holding the Public Hearing on the variance, publication in the newspaper and noticing the residents in the immediate area of the public hearing on the request for variance. In addition a deposit account with the township must be established. The deposit is \$700.00. The township engineer evaluates the condition of the road using the standards of the Private Road Ordinance. Understanding that some of the old "two-tracks"/substandard roads could never meet the criteria of the Ordinance, the engineer evaluates the road against *at least minimum standards for safety as established by the Lyndon Township Board*. The deposit account also could cover any legal opinion or professional assistance needed by the Board on behalf of the applicant. Any money not used on behalf of the applicant is refunded to the applicant.

PAYING FOR THE IMPROVEMENTS:

In the absence of a legal homeowner's road association, the applicant applying for a variance to the Ordinance is responsible for paying all the costs of improving the road. Sometimes the other residents on the private road help pay for the improvements because they are also benefiting from the work. Unfortunately, in the absence of a legal homeowner's road association, some people will seek a "free ride" and refuse to pay for any road improvements.

HOMEOWNERS ROAD ASSOCIATION:

Property owners on a private road are highly encouraged by the Township to form an association for the sole purpose of maintaining the private road. The Township understands that the thought of a neighborhood association sometimes makes people uneasy. Some neighborhood associations in the cities regulate everything from the color of the roof to the design of the house. Certainly the Township is not suggesting anything of that nature. A sample road association agreement from our township attorney is available. However, the residents on a private road considering forming a road association should consult with their own attorney. The language of an agreement specifically would *limit* the association to funding and maintaining the private road. Property owners could choose to maintain the road in whatever manner works best for them. They could do it themselves or hire it done. However, *everybody would pay his or her fair share!* There would be no *free ride*. The road association agreement would be sent to the Register of Deeds at the County. This would eliminate the need for a few people taking on all the responsibility of maintaining the private road at their own cost. Unfortunately this seems to be the case on many private roads in Lyndon.

THE BENEFITS OF AN APPROVED PRIVATE ROAD:

1. No Request for Road Variance. When a property owners wishes to build a garage, addition to his home, new home, etc., he/she simply applies for a zoning permit – the same as anyone living on a public road.
2. Assurance of Road Maintenance. The Board of the Association is responsible for maintaining the road. Everybody pays his fair share of the maintenance.
3. Improved Public Safety. The road will no longer fall into serious disrepair. Emergency vehicles can gain access.

IF YOU HAVE MORE QUESTIONS...

Please talk to the Lyndon Township Ordinance Officer or the Supervisor. Lyndon Township is serviced by the CHELSEA AREA FIRE AUTHORITY. The Fire Authority is composed of Lyndon, Sylvan, Lima, Waterloo Townships and the Village of Chelsea. Our Fire Chief is often consulted when there is a request for a Private Road Variance. He assists the Township in making recommendations for road upgrades.

Public Safety is the main concern of the Lyndon Township Board.

Prepared by
MARYANN NOAH
Lyndon Township Supervisor

2002

LYNDON TOWNSHIP

Outline and Procedures for forming a Private Road Association

In order to assist Lyndon Township property owners in forming a Private Road Association, the following information is offered as a *guideline* to deal with the various questions, issues and requirements necessary in obtaining an APPROVED Private Road status.

This outline is not meant to be a blanket action plan that covers *every* private road in Lyndon Township. Certainly every private road has its own unique circumstances and individual roads may call for additional actions.

PRIVATE ROAD "in a box"!!

The Lyndon Township Board hopes to see every private road in the township someday achieve Approved status. The Board is attempting to make the approval process as uncomplicated as possible. It would be our wish that we could hand you a little box. Inside the box would be a list of steps. Each step would be one of the tasks required to fulfill the requirements of the Approved Private Road.

Sometimes the lack of information can make a process look impossible or overwhelming. Hopefully the information listed here can help you take one step at a time in order to achieve the final goal.

Remember, the goal of an Approved Private Road is worthwhile *for every property owner*. Real estate – your home, cottage or lot is a very valuable asset especially in Washtenaw County. If your property is on a lake, it is even more desirable. However, in the absence of an Approved Private Road status, it is sometimes very difficult to get title insurance or a mortgage. Public safety is a serious issue on many if not most of Lyndon's older private roads.

Owning property on an Approved Private Road and having an association responsible for maintenance of that road is not new or special. Lyndon Township is not asking for anything unusual. Any township, village or city that permits private roads today will have these road maintenance associations in place before construction of homes begins. Savvy homeowners demand it and the mortgage companies insist on it.

We hope the information in this packet provides the beginning of a successful project for yourself and your neighborhood.

APPROVED PRIVATE ROAD STANDARDS:

The standards for approved private roads were established by Lyndon Township a number of years ago. These standards are not arbitrary. The Lyndon Township Private Road Ordinance is *very specific* regarding easement or right-of-way width, road base and top dressing, drainage, grade, etc.

The Township recognizes that many of our older private roads can never meet these standards. In these cases, the residents' engineer or contractor will attempt to improve the private road as close as possible to the Private Road Standard. The residents' engineer/contractor will indicate the circumstances that prove to be an *unreasonable hardship* on that particular private road. For example: An older subdivision has a 20' or 30' road right-of-way. Buildings or small lots prohibit the granting of a 66' right-of-way. On the other hand, the private road may have low hanging wires that a fire truck could catch or the road is chronically soft especially in the spring or during times of heavy rains. Brush may have been allowed to grow into the road right-of-way or people may have actually built garages or fences on the legal right-of-way or easement. These types of problems *can* be corrected.

NO MOVING TARGET

When a private road is granted an APPROVED status by Lyndon Township, the conditions of that approval status will be very specific. All exceptions to the Lyndon Township Private Road Ordinance will be specifically listed and described. The newly formed Private Road Association Board of Directors as well as the membership/residents of that road will then have their own standard *for that particular road*. If the Private Road Association allows the road to fall into disrepair, the approval status could be revoked. The Lyndon Township Ordinance Officer and all future Township Boards will have the **CONDITIONAL STANDARDS** for that particular private road.

ORGANIZATION OF THE ASSOCIATION:

A general form of a Private Road Maintenance Agreement and the initial organizational minutes of a non-profit corporation are available with this outline. Residents may use a different format, but it must be approved by the Township Attorney to be sure it covers the Township's basic requirements.

PROPERTY DESCRIPTIONS, LEGAL TITLES AND SURVEYS:

The following information will be needed:

1. The full legal descriptions of the properties served by the private road
2. The legal description of the private road if it has a separate surveyed description
3. Complete names of all property owners, addresses, and tax codes numbers
4. List the percentage or number of properties fronting or having legal access to the private road that will join the newly formed road association.
5. Drawings (if necessary) of the manner in which storm water drainage is accommodated
6. An offer of an underground utility easement for sanitary sewer and water and other public utilities (lakes with sewers have already given a sewer and water easement)

7. The proposed language in which the Association enters into an agreement with the Township for the enforcement of the "payback" for non-participating property owners.

Lyndon Township can provide the legal descriptions from our tax records. We can also provide the names, addresses and tax code numbers. We *may not* have a legal description for a private road with a separate legal description. Our Assessor will provide any information we have.

IDENTIFY ALL ISSUES OR CONFLICTS IN TITLE:

Residents need to be sure that any conflicts are resolved. For example: Is the present traveled roadway actually where it belongs! Has the road meandered off the legal easement or right-of-way? Is the road actually on someone's private property? Have property owners utilized the road right-of-way for their own personal benefit? Have some property owners used the road right-of-way for their landscaping in order to increase their lot area? If fences or buildings are on the road right-of-way, what remedy will be sought for the removal?

NOTE: On those private roads where sewer service has been installed, the Multi-Lakes Sewer Authority has the CAD Survey Drawings. These CAD drawings are recent (1995 or 2001). These drawings may save the cost of having a Surveyor determine if the private road is actually on the right-of-way or easement. These drawings show the property lines and buildings as well as the roadway. *These drawings may show more than you care to know!!* However, encroachments onto the legal roadway need to be resolved. Every property owner who has legal right to use the private road is entitled to the FULL right-of-way or easement!

It is also important to identify who has a right of access to the private road as well as rights to split properties. This outline does not attempt to list all the issues that residents may need to resolve. The Township can provide as much information as we have on hand. Property owners may themselves have all the information necessary to identify conflict points.

PLANS AND CONTRACT AGREEMENTS:

In some instances, residents will have to engage a civil engineer or licensed surveyor to prepare the road improvement plans and/or contract agreements. Residents may also seek the assistance of their attorney.

The Lyndon Township engineer will NOT be preparing plans for road improvements. The Township engineer will review the residents' plans and consult with the residents' engineer/surveyor regarding hardship exemptions and variance issues.

PRIVATE ROAD APPLICATION FORM:

Included in this packet is an Application Form as well as a general statement of the Township engineer's plan review checklist. The Township must be reimbursed for all costs it incurs including its legal and/or engineering review of the Association's submissions.

CONSTRUCTION:

After the Township Board approves the agreements, plans, drawings, etc., the Association will perform the improvements as agreed.

APPROVAL & ACCEPTANCE:

After the work has been completed to the satisfaction of the Township engineer, the engineer will make his recommendation of acceptance to the Lyndon Township Board. Please understand that the resolution of the Township Board to give the private road an APPROVED PRIVATE ROAD STATUS does not exempt residents from compliance with the ZONING Ordinance. The Zoning Ordinance regulates the side, front and rear setbacks from the property lines, etc.

RECORDING NOTICE OF COMPLIANCE/NON-COMPLIANCE:

The Association should prepare for signature by the Township Officials a notice of those properties which are in compliance and those properties which are not in compliance with the Lyndon Township Private Road Ordinance. (This would be any non-member of the Association). This notice should indicate any "payback" provisions. The form of this notice must comply with all recording statutes and be of sufficient form and specificity so that individual properties and parties are named and given a copy of the recorded notice. A proof of service of furnishing the copy should be then filed with the Township. See the attached sample.

FOR ASSISTANCE:

Please call the Ordinance Officer or the Supervisor for further assistance. We look forward to helping you in any way we are able.

Prepared by
MARYANN NOAH
Lyndon Township Supervisor

LYNDON TOWNSHIP
17751 N. Territorial Road - Chelsea, Michigan 48118
Phone (734) 475-2401 - Fax 475-2251

SUMMARY OF SUGGESTED TASKS FOR CREATING A Private Road Association

Not every item listed will be necessary for every private road. Some neighborhoods have already very closely adhered to the Lyndon Township Private Road Ordinance without ever applying for an APPROVED status. For those people, a number of the steps suggested below may be redundant. However, for a number of older private roads, there has NEVER been any cooperative and consistent effort to maintain or improve the road. Without a doubt, more work and cost will be involved in order to correct problems that have continued to multiply for over 75 years in some instances.

This suggested outline is offered for your review. These steps are not necessarily in chronological order.

1. Identify the point persons(s) who will make the investment of time to begin the process.
2. Contact the Lyndon Township Ordinance Officer or Supervisor and ask for any pertinent information the township has that will help you. (legal descriptions, names, addresses, tax maps, CAD drawings, etc. Get a copy of the Lyndon Township Private Road Ordinance.
3. Have a neighborhood meeting. Share all of this information with all the property owners you believe may have legal access to your private road. See if there is a consensus to move forward and gather more information.
4. Depending on your particular road situation, you may need to talk to a civil engineer/surveyor and ask for an estimate of cost to develop a set of plans suitable for construction bids. The engineer/surveyor will review the Lyndon Township Private Road Ordinance and identify those standards which may require variance. Your engineer may be able to render his opinion of probable cost for construction.
5. You may need to contact an attorney to assist in your project. Title searches may be required to identify those parcels that really have legal right to use your private road.
6. If warranted, contact a construction contractor to get estimates of cost.
7. Gather all necessary exhibits to be included with your Application with the Township.
8. Identify all of the property owners who agree to be Members of the Private Road Association. Property owners should review the Road Association Agreement and By-Laws. A meeting should be held and Officers of the Association elected. A resolution and appropriate minutes should be recorded. The newly formed Association can now proceed with making improvements.
8. After any required improvements have been finished, contact the Township. The township engineer will review the status of the improvements and make his recommendation to the Lyndon Township Board. All recordable documents must be filed with the County.
9. The Township Board will offer a Resolution giving your private road an APPROVED status. This resolution will identify any/all hardship exemptions required for your road. These Standards along with all accompanying documentation will become a permanent record of the Township.

PRIVATE ROADWAY MAINTENANCE AND IMPROVEMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 200_, by and between the undersigned, as set forth on the attached schedule, hereinafter referred to collectively as "Owners" or individually as "Owner"; and THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC., a Michigan Non-Profit corporation of: _____ Michigan _____, hereinafter referred to as the "Corporation";

WHEREAS, the parties are the owners of the following described real estate which is situated in the Township of Lyndon, Washtenaw County, Michigan, and which is more specifically described on the attachment(s) hereto; and

WHEREAS, the parties hereto desire by recording this Agreement in the Office of the Register of Deeds for Washtenaw County to establish an easement across their parcels for purposes of ingress and egress and the installation of utilities;

NOW THEREFORE, the owners, do, upon the recording of this document, agree that THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC., a Michigan Non-Profit Corporation, shall, have control and regulation over the private roads and easements of the Association which have been, and are hereby, established for the purpose of ingress and egress, and utilities, to and from the owners' parcels of real estate and the public roads and highways of Washtenaw County, for the benefit of the owners. The owners do hereby reserve unto themselves, individually, the right to use said roadways and easements for purposes of ingress and egress and utilities. The non-profit Corporation shall hold, improve, maintain, and repair, or in any other manner control, subject to the covenants, conditions, restrictions, uses, limitations, and affirmative obligations set forth herein, and roadways and easements, all of which shall be deemed to run with the land and shall be a burden and a benefit to the owners. Any persons acquiring or owning an interest in said real estate parcels, their grantees, successors, heirs, personal representatives, and assigns shall be subject to and bounded by this Agreement. In furtherance of this Agreement and the non-profit Corporation, it is provided as follows:

FIRST. Certain terms are used in this Agreement, which are or may be used in various other instruments such as, by way of example and not by limitation, the Articles of Incorporation, Corporate By-laws, and rules and regulations of the Corporation, and deeds, mortgages, liens, land contracts, easements, and other instruments effecting the establishment of or transfer of interest in the real estate described on the attachments hereto. Wherever used in such documents or other pertinent instruments, the terms set forth below shall be defined as follows:

1. "Corporation" means the non-profit Corporation organized under Michigan law of which all owners shall be members, which Corporation shall administer, operate, manage, and maintain the roadways and easements.

"Association" means the geographical area served by the Corporation, the members or the Corporation, as the context of the language provides. Any action required of or permitted to the Corporation shall be exercisable by the Board of Directors unless specifically reserved to its members by this document or the laws of the State of Michigan.

2. "By-laws" means the corporate By-Laws of _____ Road Association of Lyndon Township, Washtenaw County, Michigan, Inc., a Michigan non-profit Corporation organized to manage, maintain, repair and improve the roadways and easements.

3. "Roadway(s)" or "easements" means the easements and rights-of-way for ingress and egress, and installation of utilities, which is granted and reserved to the owners of the real estate parcels, as described on the exhibit hereto.

4. "Owner" means a person, firm, Corporation, partnership, Association, trust, or other legal entity, or combination thereof who or which owns one or more parcels of real estate described on the attachments hereto. The term "co-owner" wherever used, shall be synonymous with the term "owner". "Owner" shall also mean a land contract vendee.

5. "Parcel" or "parcel of real estate" means one of the parcels described on the attachments hereto, or any partition or subdivided parcel included within the parcels described on the attachments hereto which have frontage upon said roadways or easements, or access thereto, whereby said parcels have the benefit of the easements of the Association. In determining whether a subdivided or future parcel, created subsequent to the date of this Agreement, shall be entitled to enjoy the benefits of and membership in the Corporation, such newly described parcel shall meet the requirements of the Lyndon Township Zoning Ordinance and Lyndon Township Private Road Ordinance, evidenced by a zoning permit issued by the Lyndon Township zoning or ordinance enforcement officer.

6. "Member" shall mean the right of membership in the Corporation and shall refer to all of the "owners" who collectively have an interest in the fee simple title of a parcel of real estate within the Association. Each "member" shall be entitled to one (1) vote, collectively, as to each parcel of real estate owned, regardless of the number of owners with respect to any parcel.

7. Whenever any reference herein is made to the gender, the same shall include a reference to any and all genders where the same would be appropriate; similarly, whenever a reference is made herein to the singular, and reference shall also be included to the plural where the same would be appropriate.

SECOND. The cost of maintenance, repair, operation, improvement, or replacement of the roadways and utilities, described within, shall be borne by the owner of the unit in the following portion:

1. An equal share for each parcel of real estate which has the benefit of the roadways and easements herein described; or,

2. Apportioned among the real estate parcels on the basis of frontage of each parcel on the roadway to the total frontage of all parcels on the roadway; or

3. As the Board of Directors of the Corporation shall determine.

[Strike out two (2) of the above subparagraphs, thereby designating the remaining subparagraph as the method of apportionment.]

THIRD. Notwithstanding any other provision of this Agreement, the Corporation shall without the prior written consent of any owner or other party, execute a consent to a land contract sale or mortgage at the request of any owner as to that owner's interest in the easement and roadways, subject however, to the provisions of this Agreement. A first mortgagee, at its request, is entitled to written notification from the Corporation of any default by the owner of the parcel in the performance of the owner's obligations under this Agreement which is not cured within sixty (60) days. Any first mortgagee who obtains title to a parcel of real estate pursuant to the remedies provided in the mortgage or foreclosure or forfeiture of the land contract or mortgage in lieu of, including a deed or assignment in lieu of foreclosure, shall be liable for the parcel's unpaid dues or charges which accrue prior to the acquisition of title to such parcel by the mortgagee or land contract vendor. Each first mortgagee has the right to examine the books and records of the Corporation or Association.

FOURTH. All costs incurred by the Corporation in satisfaction of any liability or responsibility arising herein, caused by, or in connection with the roadway and easements or the

administration of the roadway and drainage easements are expenses of administration of the corporation, and all sums dues and levies received arising in accordance with this agreement, caused by, or in connection with the administration of said roadway and easements, is income of the corporation.

FIFTH. Assessments shall be determined in accordance with the following provisions:

1. The Board of Directors of the Corporation shall establish an annual budget in advance for each fiscal year and such budget shall project all expenses for the forth coming year which may be required for the proper operation, maintenance, and management of the roadways and easements, including a reasonable allowance for contingencies and reserves. Upon the adoption of such annual budget by the Board of Directors, copies of the budget shall be delivered to each owner and the assessment for each year shall be established, based upon said budget and the terms and provisions of this Agreement. Should the Board of Directors at any time determine, in the sole discretion of the Board of Directors, (1) that the assessments levied are or may prove to be insufficient to pay the costs of operation, maintenance and administration, (2) to provide repairs, or (3) in event of emergency, the Board of Directors shall have the authority to increase the general assessments or levy such additional assessments as it shall deem necessary. The Board of Directors shall also have the authority, without the owners' consent, to levy assessments pursuant to the provisions within. The discretionary authority of the Board of Directors to levy assessments pursuant to this subparagraph shall rest solely with the Board of Directors for the benefit of the Corporation and Association and the members thereof, and shall not be enforceable by any creditors of the Corporation or the members thereof. Provided, however, that additions or improvements to the entire roadway system shall not exceed \$_____ annually, except by way of special assessments.

2. Special assessments, in addition to those required in paragraph 1 above, may be made by the board of Directors from time to time and approved by the owners as hereinafter provided to meet other needs or requirements of the Association, including but not limited to assessments for additions in the form of improvements to the easements and roadways, costs exceeding \$_____ annually for the entire roadway system, or to collect assessments which have been levied by Lyndon Township or other municipality in a manner prescribed by law. Special assessments referred to in this subparagraph 2 shall not be levied without the prior approval of at least sixty percent (60%) of all members of the Corporation and Association. The authority to levy assessments pursuant to this subparagraph is solely for the benefit of the Association and Corporation and the members thereof and shall not be enforceable by any creditors of the Corporation or of the members thereof.

3. No owner may exempt himself from liability for

his contribution towards the expenses of administration by waiver of the use or enjoyment of the roadway or easement or by abandonment of his parcel.

SIXTH. In addition to all other remedies available to it, the Corporation may enforce collection of delinquent assessments by suit at law for a money judgment or by foreclosure of a lien that secures payment of the assessment. Each owner, and every other person who shall from time to time have an interest in the parcel, shall be deemed to have granted to the Corporation the unqualified right to elect to foreclose such lien either by judicial action or by advertisement. Each owner and party to this Agreement does hereby grant to the Corporation a lien to collect assessments. The provisions of Michigan law pertaining to foreclosure or mortgages by judicial action and by advertisement, as the same may be amended from time to time, are incorporated herewith by reference for the purpose of establishing the alternative procedures to be followed in lien foreclosure action and the rights and obligations of the parties to such action. Further, each owner and every other person who from time to time has an interest in a parcel shall be deemed to have authorized and empowered the Corporation to sell or cause to be sold the parcel with respect to which the assessment is or may become delinquent, and to receive, hold and distribute the proceeds of such sale in accordance with the priorities established by Michigan law. Each owner of a parcel acknowledges that at the time of acquiring title to such parcel, he was notified of the provisions of this section and that he voluntarily, intelligently and knowingly waived notice of any proceedings brought by the Corporation to foreclose by advertisement the lien for non-payment of assessments and a hearing on the same prior to the sale of the parcel. Notwithstanding the foregoing, neither a judicial foreclosure action nor a suit at law for money judgment shall be commenced, nor shall any suit for foreclosure by advertisement be published, until the expiration of ten (10) days after mailing, by ordinary mail addressed to the delinquent owner, at his or their last known address, the written notice required herein, to be filed by the Corporation, of a written notice that one or more installments of the annual assessment levied against the parcel is or has become delinquent and that the Corporation may invoke any of its remedies hereof if the default is not cured within ten (10) days after the date of mailing. Such written notice shall be accompanied by a written affidavit of an officer of the Corporation that sets forth (1) the deponent's capacity to make the affidavit, (2) the statutory or other authority for the lien, (3) the amount outstanding, (4) the legal description of the parcel, and (5) the name of the owner according to the files and records of the Corporation. Such affidavit shall be recorded in the office of the Register of Deeds for Washtenaw County prior to commencement of any foreclosure proceedings, but it need not have been recorded as of the date of mailing as aforesaid. If the delinquency is not cured within the ten (10) day period, the Corporation may take such remedial action as it elects hereunder or under Michigan law. In the event the corporation elects to foreclose the lien by advertisement, the

Corporation shall so notify the owner that he may request a judicial hearing by bringing suit against the Corporation. The expenses incurred in collecting unpaid assessments, including interest, costs, actual attorney fees (not limited to statutory fees), and advances or other liens paid by the Corporation to protect its lien, shall be chargeable to the owner in default and shall be secured by the lien on said parcel. In the event of default by any owner in the payment of any installment of an annual assessment levied against his parcel, the corporation shall have the right to declare all unpaid installments of the annual assessment for the pertinent fiscal year immediately due and payable. An owner in default shall not be entitled to a vote as a member of the Corporation and his percentage or membership shall not be taken into consideration in determining the quorum requirements for meetings of the Corporation, so long as default continues. All of these remedies shall be cumulative and not alternative and shall not preclude the Corporation from exercising such other remedies as may be available at law or in equity.

Upon sale or conveyance of a parcel, all unpaid assessments against the parcel shall be paid out of the sale price or by the purchaser in preference over other assessments or charges of whatever nature, except amounts to the state, the county, or any subdivision for taxes and special assessments, payments due under a first mortgage or land contract vendor's lien having priority, and a purchaser is entitled to a written statement from the Corporation setting forth the amount of the unpaid assessment against the seller or grantor, and the purchaser or grantee is not liable for the parcel conveyed or granted subject to a lien for any unpaid assessments against the seller or grantor in excess of the amount set forth in the written statement. Unless the purchaser or grantee requests a written statement from the Corporation at least five days prior to the sale, the purchaser or grantee shall be liable for the unpaid assessments together with interest, costs, and attorney fees incurred thereof. If the Association does not give the written statement, then the purchaser or grantee may receive the conveyance by deed or assignment free and clear of unpaid assessments.

Sums assessed to an owner of the Corporation which are unpaid constitute a lien on the parcel owned by the owner at the time of the assessment before any other lien, except tax lien, and past due assessments which are evidenced by a notice of lien.

SEVENTH. Disputes, claims or grievances arising out of or relating to the interpretation or application of this documents or the administration, if any, and all disputes among the owners or between the owners and the corporation shall, upon the election and written consent of the parties to such dispute, claim or grievance, and written notice to the Corporation, be submitted to arbitration, and the parties thereto shall accept the arbitrators' decision as final and binding, provided, that no question affecting the title or claim of title to a fee simple interest or life estate in the real estate is involved. The commercial arbitration rules of the

American Arbitration Association, as amended and in effect from time to time hereafter, shall be applicable to such arbitration.

EIGHTH. The Corporation shall carry liability insurance pertinent to the improvement, repair, use and maintenance of the roadway and easement areas, insuring the Corporation, but not the members thereof.

NINTH. No parcel shall be used for other than single family residential purposes.

TENTH. This agreement shall not be construed as a consent by an owner to any public dedication of the easements, roadways, or rights-of-way granted herein, and the Corporation shall not undertake to apply or cause the roadways to be dedicated to the public. The roadways and easements are for the use of the owners of the parcels, their family, friends, invitees, and emergency, fire, police, medical, service providers, contractors, and suppliers to the individual parcels. Provided, however, that upon prior written consent of two-thirds of the owners, roadways and/or easements may be dedicated to the public, to the extent and as limited by said written consent.

ELEVENTH. Time is of the essence of this Agreement.

TWELFTH. In the event that any of the terms, provisions, or covenants of this document are held to be partially or wholly invalid or unenforceable for any reason whatsoever, such holdings shall not affect, alter, modify or impair in any other manner whatsoever the other terms, provisions and covenants of this documents.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this ____ day of ____, 200__.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF MICHIGAN)
COUNTY OF WASHTENAW)^{ss}

On _____, 200__, before me a Notary Public

appeared _____,
_____,
_____, who
acknowledged this Declaration to be their free act and deed.

_____, Notary Public
Washtenaw County, Michigan
My commission expires: _____

THE _____ ROAD
ASSOCIATION OF _____ LYNDON TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN, INC.

By: _____

STATE OF MICHIGAN)
COUNTY OF WASHTENAW) ^{ss}

On _____, 200__,
appeared before me as _____, of THE
ROAD ASSOCIATION OF _____ LYNDON TOWNSHIP, WASHTENAW COUNTY,
MICHIGAN, INC., and that this Declaration was signed in behalf of
the Corporation, by authority of its Board of Directors, and the
official acknowledges this Declaration to be the free act and deed
of the Corporation.

_____, Notary Public
Washtenaw County, Michigan
My commission expires: _____

Prepared by:

This document has been prepared as a guide for owners on private roads within the township, and each party is advised to seek the advise of an attorney of his or her choice respecting the rights and obligations set forth herein and in the accompanying documents. These documents may or may not be appropriate for the particular private road or Association involved. This document is a form of document which would be approved by the Township attorney under the provisions of the Lyndon Township Private Road Ordinance in order to obtain access permits or approval of a private road.

The marital status of men must be stated in the acknowledgement and on the schedule of names and addresses - such as "a single man", "husband and wife." The martial status of women need not be stated.

The attached list of Owners' names must state the full legal name of each individual as they sign their names, their addresses with zip codes, and the martial status of the men.

The attached list of parcels must be in the form of the complete legal description and include the correct tax identification of each parcel from the current assessment roll.

The person who drafts the document must be named as the preparer. Do not name the Lyndon Township officer, attorney or agent. This person will usually be the one to respond to questions regarding the execution of the document and other details that the Register of Deeds may have.

NON-PROFIT CORPORATE BY-LAWS

BY-LAWS OF _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC.

ARTICLE I. OFFICES

The principal office of the corporation in the State of Michigan shall be located at _____, Michigan _____. The corporation may have such other offices, either within or without the State of Michigan, as the Board of Directors may designate from time to time.

ARTICLE II. MEMBERS

Section 2.01. Membership. Membership in the corporation is open to every owner of a parcel of land in the _____ ROAD ASSOCIATION, as described in the Agreement, dated _____, 200__, and recorded in the office of the Register of Deeds for Washtenaw County in Liber _____, page _____. Member shall refer to all of the "owners" who collectively have an interest in the fee simple title of a parcel of real estate within the Association. Each "member" shall be entitled to one (1) vote, collectively, as to each parcel of real estate owned, regardless of the number of owners with respect to any parcel. There shall be no ex officio members.

Section 2.02 Annual Meeting. The annual meeting of the members shall be held on the first day of February, in each year, beginning with the year 200__, at the hour of 12:00 noon, or such other time set by the Board of Directors, for the purpose of electing directors, and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Michigan, such meeting shall be held on the next succeeding business day. If the election of directors shall not be held on the day designated herein for such annual meeting of the shareholders, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be.

Section 2.03 Special Meetings. A special meeting of members may be called by the Board of Directors, for any purpose or purposes.

Section 2.04. Place of Meeting. The Board of Directors may designate any place, either within or without the State of Michigan as the place of meeting for the annual meeting or any special meeting called by the Board of Directors. If no designation is made, the place of meeting shall be the principal office of the corporation in the State of Michigan.

Section 2.05. Notice of Meeting. Written notice of the time, place and purposes of the meeting of the members shall be given not less than ten (10) nor more than sixty (60) days

before the date of the meeting, either personally or by mail, to each member of record entitled to vote at the meeting. When a meeting is adjourned to another time or place, it is not necessary to give notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken and at the adjourned meeting only such business is transaction as might have been transacted at the original meeting.

Section 2.06. Record Date and Closing of Membership Books. For the purpose of determining members entitled to notice of and to vote at a meeting of members or an adjournment thereof, or to express consent or dissent from a proposal without a meeting, or for the purpose of any other action, the Board of Directors of the corporation shall fix a date as the record date for any determination of members. Said date shall not be more than sixty (60) days nor less than ten (10) days before the date of the meeting, nor more than sixty (60) days before any other action. If the record date is not fixed, the record date for determination of members entitled to notice of or to vote at a meeting of members shall be the close of the business on the day next preceding the day on which notice is given, or, if no notice is given, the day next preceding the day on which the meeting is held, and the record date for determining members entitled notice of or to vote at a meeting, shall be the close of the business on the day on which the resolution of the board relating thereto is adopted. When a determination of members of record entitled to notice or to vote at a meeting of members has been made, the determination applies to any adjournment of the meeting, unless the Board of Directors fixes a new record date under this section for the adjourned meeting.

Section 2.07. Voting Lists. The officer or agent having charge of the membership books of the corporation shall make and certify a complete list of the members entitled to vote at the shareholders' meeting or any adjournment thereof. The list shall be arranged alphabetically with the name, address and number of shares held by each shareholder, be produced at the time and place of the meeting, the same shall be subject to inspection by any member during the whole time of the meeting, and, be prima facie evidence by the members entitled to examine the list or vote at the meeting.

Section 2.08. Quorum. A majority of the Directors and ten percent (10%) of the members of the corporation entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of members. If less than a quorum of the members are represented at a meeting, a majority of the members so represented may adjourn the meeting from time to time without further notice. At any such adjournment of meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally noticed. The members present at a duly organized meeting may continue to transact business until adjournment notwithstanding the withdrawal of enough members to leave less than a quorum.

Section 2.09. Proxies. A member entitled to vote at a meeting of members or to express consent or dissent without a meeting may authorize other persons to act for him by proxy. A proxy shall be signed by the member or his authorized agent or representative. A proxy is not valid after the expiration of one (1) years from its date unless otherwise provided in the proxy. A proxy is revocable at the pleasure of the member executing it. The authority of the

holder of a proxy to act is not revoked by the incompetence or death of the member who executed the proxy unless, before the authority is exercised, written notice of an adjudication of incompetency or death is received by the corporate officer responsible for maintaining the list of members.

Section 2.10. Voting. Each member is entitled to one vote on each matter submitted to a vote. Action shall be authorized by a majority of the votes entitled to vote thereon, other than the election of directors. Directors shall be elected by a plurality of the votes cast at an election.

Section 2.11. Informal Action by Members. Unless otherwise provided by law, any action required to be taken at a meeting of the membership, or any other action which may be taken at a meeting of the membership, may be taken without a meeting if the consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

Section 2.12. Order of Business at Annual Meeting. The order of business at the annual meeting of the members shall be as follows:

- a. Reading of notice and proof of mailing;
- b. Reports of Officers;
- c. Election of Directors;
- d. Review of financial reports and statements of income and expenses;
- e. Determination of dues and assessments for operations of the Corporation;
- f. Transaction of other business mentioned in the notice;
- g. Adjournment;

provided that, in the absence of any objection, the presiding officer may vary the order of business at the officer's discretion.

Section 2.13. Participation in Meeting by Telephone. By oral or written permission of a majority of the membership, a member may participate in a meeting of members by conference telephone or similar communications equipment by which all persons participating in the meeting may hear each other if all participants are advised of the communication equipment and the names of the participants in the conference are divulged to all participants. Participation in the meeting pursuant to this section constitutes present in person at the meeting.

ARTICLE III. BOARD OF DIRECTORS

Section 3.01. General Powers. The business and affairs of the corporation shall be managed by its Board of Directors.

Section 3.02. Number, Tenure and Qualifications. The Board shall consist of the elected officers of the corporation, the Chairs of the standing committees, and such additional members as the membership shall elect. All Board members shall be current members of the

corporation. The total number of the Board of Directors shall not exceed three (3) members(s). Each director shall hold office until the next annual meeting of members and until a successor has been elected and qualified.

Section 3.03. Vacancies. A vacancy occurring in the Board may be filled by the affirmative vote of a majority of the remaining directors, though less than a quorum of the Board. A directorship to be filled because of an increase in directors or fill a vacancy may be filled by the Board for a term of office continuing only until the next election of directors by the members. If because of death, resignation or other cause, the corporation has no directors in office, any member may call a special meeting of the members in accordance with the within By-Laws for filling vacancies on the Board of Directors.

Section 3.04. Place and Notice of Meetings. Regular or special meetings of the Board may be held either within or without the State. A regular meeting of the Board of directors shall be held without notice and at the same place as the annual meeting of members. The Board of Directors may provide, by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution. A special meeting of the Board of Directors may be called by or at the request of the President, or any number of directors, as determined by the Board of Directors. The person or persons authorized to call special meetings of the Board of Directors shall fix the place for holding any special meeting of the Board of Directors called by them. Notice of any special meeting shall be given, at least, five (5) days previous thereto by notice delivered personally or mailed to each director at his business address. If mailed, each notice shall be deemed to be delivered when deposited in the United States mail so addressed, with full prepaid postage thereon. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, a regular or special meeting need be specified in the notice or waiver or notice of the meeting.

A member of the Board of Directors may participate in a meeting of the Board by means of conference telephone or other similar communication equipment by means of which all person participating in the meeting can hear each other, and participation in a meeting pursuant to this provision shall constitute presence in person at the meeting. Provided, however, that notice of a special meeting shall have been given or such notice waived in writing by a member of the Board participating in the meeting by means of conference telephone or similar communication equipment as provided in this provision of the By-Laws, which shall be deposited in the United States mail or international air mail, addressed to the registered office of the corporation, with full prepaid postage thereon, within 48 hours of the end of such meeting. Provided, however, that a regular meeting of the Board of Directors held pursuant to this provision of the By-Laws shall be noted in the minutes of such meeting the name and location of the member of the Board participating by means of conference telephone or similar communication equipment.

Section 3.05. Quorum and Vote of Directors. A majority of the members of the

Board then in office shall constitute a quorum for the transaction of business. The vote of the majority of the members present at a meeting at which a quorum is present constitutes the action of the Board. If less than a majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

Section 3.06. Action Without a Meeting. Action required or permitted to be taken pursuant to authorization voted at a meeting of the Board may be taken without a meeting if, before or after the action, all members of the Board consent thereto in writing. The written consents shall be filed with the minutes of the proceedings of the Board. The consents shall have the same effect as a vote of the Board for all purposes.

Section 3.07. Compensation. By resolution of the Board of Directors, each Director may be paid expenses, if any, for attendance at each meeting of the Board. No compensation shall be paid for services as a Director, unless authorized by the membership.

Section 3.08. Presumption of Assent. A director of the corporation who is present at a meeting of the Board of Directors at which action on any corporate matter is taken, shall be presumed to have assented to the action taken unless the director's dissent shall be entered in the minutes of the meeting or unless the director files a written dissent to such action with the person acting as the secretary of the meeting, before the adjournment thereof or shall forward such dissent by certified mail to the Secretary of the corporation immediately after the adjournment of the meeting. This right to dissent shall not apply to a Director who voted in favor of such action.

ARTICLE IV. OFFICERS

Section 4.01. Selection of Officers. The membership, at its first meeting and at each annual following meeting of membership, shall elect and appoint a President, a Secretary, and a Treasurer.

Section 4.02. Election and Term of Office. The officers shall be elected or appointed by the membership. An officer elected or appointed as herein provided shall hold office for the term for which a director is elected or appointed and until a successor is elected or appointed and qualified, or until the officer's resignation or removal. An officer has such authority and shall perform such duties in the management of the corporation as may be provided by these By-Laws or determined by resolution of the membership not inconsistent with these By-Laws.

Section 4.03. Removal and Resignation. An officer elected or appointed may be removed by the Board with or without cause. An officer may resign by written notice to the corporation, such resignation is effective upon its receipt by the corporation or at a subsequent time specified in the notice of resignation.

Section 4.04. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired

portion of the term.

Section 4.05. President. The President shall be the principal executive officer of the corporation and, subject to the control of the Board of Directors, shall in general supervise and control the business and affairs of the corporation. The President shall, when present, preside at all meetings of the members and the Board of Directors. The President may sign, with the Secretary or any other proper officer of the corporation hereafter authorized by the Board of Directors contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these By-Laws to some other officer or agent of the corporation, or shall otherwise be required by law; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 4.06. Secretary. The Secretary shall keep the minutes of the proceedings of the members and of the Board of Directors in one or more books provided for that purpose, see that all notices are duly given in accordance with the By-Laws and as required by law, be custodian of the corporate records and see to the proper execution of all documents for and on behalf of the corporation when director is duly authorized by the Board of Directors, keep a register of the post office address of each member, have general charge of membership books of the corporation, and in general perform all of the duties incident to the office of Secretary and such other duties as shall from time to time be assigned to the Secretary by the President or by the Board of Directors.

Section 4.07. Treasurer. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the corporation, receive and give receipts for monies due and payable to the corporation from any source whatever, and deposit all such monies in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of the By-Laws, and in general perform all of the duties incident to the office of Treasurer and such other duties incident to the office of Treasurer and such other duties as may be from time to time assigned by the President or Board of Directors. If required by the Board of Directors, the Treasurer shall give bond for the faithful discharge of duties in such sum and amount and with such surety or sureties as the Board of Directors shall determine.

ARTICLE V. CONTRACTS, CHECKS AND DEPOSITS

Section 5.01. Contracts. The Board of Directors may authorize any officer or officers to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, either generally or in specific instances.

Section 5.02. Checks, Drafts, etc. All checks, drafts or other orders for payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers as determined by the Board of Directors.

Section 5.03. Deposits. All funds of the corporation or otherwise employed shall be deposited from time to time to the credit of the corporation at the depository as the Board of Directors determine.

ARTICLE VI. INDEMNIFICATION

Section 6.01. Indemnification of Officers and Directors. The Corporation shall indemnify any director or officer of the corporation who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director or officer of the corporation against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding, if the officer or director acting in good faith and in a manner the director reasonably believed to be in or not opposed the best interest of the corporation or its members, and with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful. The corporation shall indemnify any director or officer who was or is a party to or is threatened to be a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he or she is or was a director or officer of the corporation, against expenses (including attorney fees) actually and reasonably incurred in connection with the defense or settlement of such action or suit if the officer or director acted in good faith and in a manner director reasonably believed to be in or not opposed to the best interests of the corporation or its members and except that no indemnification shall be made in respect of any claim, issue or matter as to which said person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the Court in which said action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which said Court shall deem proper. The indemnifications as hereinbefore provided shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director or officer is proper in the circumstances as hereinbefore provided. Such determination shall be made either, by the Board of Directors by a majority vote of a quorum consisting of directors who are not parties to such action, suite or proceedings; or, if such quorum is not obtainable, or, event if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion; or, by the shareholders.

Section 6.02. Insurance. The corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted and incurred in any such capacity or arising out of status as such, whether or not the corporation would have power to indemnify against such liability.

ARTICLE VIII. FISCAL YEAR

The fiscal year of the corporation shall begin on the 1st day of January and end on the 31st day of December in each year.

ARTICLE IX. COMMITTEES

Section 8.01. Committees. The Board of Directors may act by and through such other committees as may be specified in resolutions adopted by the Board of Directors. Each such committee shall such duties, responsibilities and membership as are granted to it by the Board of Directors.

ARTICLE X. CORPORATE SEAL

The corporation shall not have a corporate seal.

ARTICLE XI. WAIVER OF NOTICE

Unless otherwise provided by law, whenever any notice is required to be given to any member or director of the corporation under the provisions of these By-Laws, under the provisions of the Articles of Incorporation, or under the provisions of the Michigan Non-Profit Corporation Act, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the date and time stated therein, will be deemed equivalent to the giving of such notice.

ARTICLE XII. AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by the membership at any regular or special meeting of the membership.

ADOPTED BY THE BOARD OF DIRECTORS.

Secretary

ATTEST:

President

Dated: _____

**ORGANIZATION MINUTES OF THE BOARD OF DIRECTORS OF
THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN, INC.,
A MICHIGAN NON-PROFIT CORPORATION**

The organizational meeting of the Board of Directors of THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC., was held at _____, MI , on _____, 200 _____. Present were: _____-, _____, _____, being all of the members of the Board of Directors of the corporation. Waiver of Notice from the directors is evidenced by their approval of these minutes.

On motion made and carried, _____ was elected as Chairman, and _____ was elected Secretary of the meeting.

The following items of business were considered during the course of this meeting:

REIMBURSEMENT OF PRE-INCORPORATION AND INCORPORATION EXPENSES

The Chair pointed out that _____ has procured certain goods and services and had incurred expenses in connection with the proposed business of the corporation, including but not limited to certain expenses of incorporation, and entered into various contracts on behalf of the Corporation, and the Corporation has incurred certain other organizational expenses, including attorneys and accounting fees. On motion duly made and recorded, the following resolutions were unanimously adopted:

RESOLVED, that the proper officers of the Corporation are hereby authorized to pay for all other fees and expenses incurred in organizing the Corporation, including but not limited to, any and all organizational expenses and all attorneys' and accounting fees.

ADOPTION OF BYLAWS

The Chair announced that the next business to come before the meeting was the adoption of the Bylaws for the regulation of the affairs of the corporation. The Secretary presented and read a form of Bylaws, and upon motion duly made and seconded, the following resolution was unanimously adopted:

RESOLVED, that the Bylaws a copy of which are attached to these Minutes as Exhibit A are adopted as and for the Bylaws of this corporation and that the Secretary be, and he hereby is, instructed to insert the original copy in the Minute Book.

**APPOINTMENT OF INITIAL BOARD OF DIRECTORS
OF
THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN, INC., a Michigan Non-Profit corporation**

We, the undersigned, being all of the incorporators of **THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC.**, a Michigan non-profit corporation, hereby appoint the following as the initial board of directors to serve until their successors are elected by the membership. The Board of Directors is authorized to adopt By-Laws and take all action allowed by law, pending the membership meeting.

Dated: _____

Incorporator

Incorporator

Incorporator

ELECTION OF OFFICERS

The Chair stated that the next business to come before the meeting was the election of officers to serve for the ensuing year and until their successors shall be elected and shall qualify. The following persons were nominated to the offices set opposite their respective names:

PRESIDENT: _____
SECRETARY: _____
TREASURER: _____

The Directors having voted, the Chair announced that these persons had been elected to the offices set opposite their respective names.

ROAD AGREEMENT

The next order of business was the entry into PRIVATE ROADWAY MAINTENANCE AND IMPROVEMENT AGREEMENT, made _____ day of _____, 200____, by and between: _____

_____, as "Owners"; and **THE ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC.**, a Michigan Non-Profit corporation, governing the control and regulation over the private roads and easements of the Association. After reviewing the Agreement, a copy of which is attached to these Minutes as Exhibit B, the following Resolution was unanimously adopted:

RESOLVED, that the Officers of the Corporation are hereby authorized to execute the aforesaid Agreement on behalf of the Corporation.

BE IT FURTHER RESOLVED that the Secretary of the Corporation is hereby instructed to cause the original copy of said Agreement to be inserted into the Minute Book of the Corporation, a copy thereof as Exhibit G of these Minutes to maintain a copy of said Agreement in the office of the Corporation, and to provide a copy of the Agreement to any member upon receipt of written request therefor.

APPROVAL OF MEMBERSHIP CERTIFICATE FORMS

Upon motion duly made and seconded, the following motion was unanimously adopted:

RESOLVED, that the share certificate form(s) attached to these minutes as Exhibit C be and the same hereby are approved for use by the corporation.

ACCEPTANCE OF MEMBERSHIP

The next item of business was the acceptance of members and issuance of certificates of membership. Upon motion duly made and seconded, the following resolutions were unanimously adopted:

RESOLVED, that the Subscription Agreement for membership, is hereby in all respects ratified, confirmed and attached hereto as Exhibit D is hereby adopted and approved and the certificates indicated below shall be issued to the subscribers upon payment in full of the dues of \$ _____.00 for the remainder of calendar year, 20_____.

RESOLVED, that upon receipt of the amounts listed below, the Corporation, through its proper officers, issue the following certificates.

<u>NAME</u>	<u>CONSIDERATION PAID</u>	<u>NUMBER & CLASS</u>
_____	\$ _____00	One Membership Certificate
_____	\$ _____00	One Membership Certificate
_____	\$ _____00	One Membership Certificate
_____	\$ _____00	One Membership Certificate
_____	\$ _____00	One Membership Certificate

BE IT FURTHER RESOLVED, that the Board of Directors be and they hereby are authorized and directed to issue One Membership Certificate to other owners of the parcels benefitted by the said PRIVATE ROADWAY MAINTENANCE AND IMPROVEMENT AGREEMENT, upon receipt of a written subscription and payment of the then current annual dues.

AUTHORIZATION OF BANKING RELATIONSHIPS

The next item of business to come before the meeting was selection of one or

more banks as depositories for the Corporation and establishment of requirements for signatures necessary to withdraw funds from any authorized depository. Upon motion duly made and seconded the following resolutions were unanimously adopted:

RESOLVED, that the President and Treasurer are hereby authorized to designate the following bank(s) as the depository for the funds of this Corporation: _____.

RESOLVED FURTHER, that the following persons will be authorized to sign checks and other instruments of withdrawal from any account in the aforesaid bank(s) subject to such restrictions as may be indicated below:

NAME

OFFICE

President

Treasurer

RESTRICTIONS

NONE

RESOLVED FURTHER, that the printed resolutions required by the aforesaid bank(s) for the purpose of authorizing a bank as a depository for a corporation are hereby incorporated by reference into these Minutes, and

FURTHER RESOLVED, that a copy of the Resolutions be attached to these Minutes as Exhibit(s) E.

COMPLETION OF INCORPORATION PROCESS

The final business to come before the meeting was to authorize the Corporation's officers to complete the incorporation process. Upon motion duly made and seconded, the following resolution was adopted.

RESOLVED, that the officers of this Corporation are hereby authorized and directed to take all appropriate action to complete all the steps necessary to have the Corporation be incorporated and in good standing, to be qualified to conduct its intended business operations, and to be in compliance with all applicable governmental regulations.

MEMBERSHIP MEETING

The next order of business was to set a first meeting of the Membership. Upon motion duly, made and seconded, the Secretary was directed to give notice to all owners of

parcels benefitted by the said Road Agreement of a meeting of the membership in accordance with Michigan Law for at _____ on _____, 200__, at _____ p.m.

ADJOURNMENT

There being no further business, upon motion duly made, seconded and unanimously adopted, the meeting was adjourned at _____.

Secretary

ATTEST:

SUBSCRIPTION AGREEMENT

To:

**THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN, INC.,** a Michigan Non-Profit corporation

Ladies and Gentlemen:

In consideration of your agreeing to admit us as shareholders of **THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC.**, a non-profit corporation incorporated under the laws of the State of Michigan (the "**Corporation**"), we hereby agree to acquire from you and do hereby subscribe for membership in the Corporation shown.

A check representing the full amount due for the purchase of the membership is enclosed herewith.

We represent and warrant that:

- (i) We and our representatives, if any, have been furnished with all materials relating to the Corporation and its proposed activities which have been requested and have been afforded the opportunity to ask questions of, and receive answers from authorized representatives of the Corporation concerning the terms and conditions of the offering and to obtain any additional information necessary to verify the accuracy of any representations of information provided to us;
- (ii) We are joining on our own account and not for resale, fractionalization or further distribution and no other party has any beneficial interest in the membership;
- (iii) We have been advised that we must bear the economic risks of the investment for an indefinite period of time because the membership is not registered under the state securities laws and substantial restrictions exist as to the disposition of the membership;
- (iv) We will not transfer or otherwise dispose of the membership except with sale of our real estate;
- (v) No representations or warranties of any nature have been made to use with respect to the ultimate economic or tax consequences of our membership and we acknowledge that as a non-profit corporation no profit or gain will be realized by purchase of the membership;
- (vi) We shall enter into a Road Maintenance Agreement approved as to form and substance by a majority of the membership of the Corporation;
- (vii) We understand that the Corporation is represented by legal counsel and that this Subscription Agreement and all other documents relating to the Corporation that have

been presented to us have been prepared with the assistance of the Corporation 's legal counsel who do not and cannot represent us or our interest in this transaction.

(viii) This Subscription may be accepted or rejected in whole or in part by the Corporation.

IN WITNESS WHEREOF, we have executed this Subscription Agreement to be effective as of the _____ day of _____, 200__.

One Membership subscribed per parcel owned

For: \$ _____ per membership, total \$ _____..

ACCEPTED:

**THE _____ ROAD ASSOCIATION OF
LYNDON TOWNSHIP, WASHTENAW COUNTY,
MICHIGAN, INC**

BY: _____

Its: President

_____, Subscriber

Address:

Telephone:

Social Security Number: _____

Parcel Tax Code No. _____

TO THE OWNERS OF LOTS AND PARCELS ON _____ ROAD
AND MEMBERS OF
THE _____ ROAD ASSOCIATION OF LYNDON TOWNSHIP,
WASHTENAW COUNTY, MICHIGAN, INC., a Michigan Non-Profit corporation

NOTICE OF INITIAL MEETING OF MEMBERSHIP

To Be Held _____, 200__

The first meeting of the membership of THE _____ ROAD
ASSOCIATION OF LYNDON TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, INC,
a Michigan non-profit corporation, will be held at the office of the corporation at
_____ on _____, 200__, at _____ p.m., for the following
purposes:

1. To accept subscriptions for membership and collection of dues for membership as established by the initial board of directors. The actions of the board of directors is attached.
2. To elect a permanent board of directors pursuant to the bylaws. The incorporators have met and selected a board of directors pursuant to Sec.223, Michigan Non-Profit Corporation Act, MCL 450.2223.
3. To consider ratification or modification of the bylaws of the corporation. The bylaws adopted by the initial board of directors under the provisions of Sec.223, Michigan Non-Profit Corporation Act, MCL 450.2223, is attached.
4. To transact such other business that may properly come before the meeting.

Dated: _____

Secretary

LYNDON TOWNSHIP
APPLICATION FOR CONDITIONALLY APPROVED
PRIVATE ROAD STATUS

Current Name of Private Road _____

Date _____

Applicant
Name(s) _____

Applicant (contact person) mailing address:

Applicant (contact person) phone number: _____

Tax identification numbers of ALL parcels having deeded right of ingress and egress to
this private road: 05- _____

_____ (if additional lines are
needed, add a separate sheet)

Township Officials are given access to the property for purposes of evaluation and
review.

*I CERTIFY THAT I HAVE A LEGAL RIGHT TO USE, REPAIR, REMODEL, MAINTAIN
OR OTHERWISE ALTER THIS ROAD.*

Applicant's
Signature(s) _____

_____ (if additional lines are needed, add a separate sheet)

ACCEPTANCE OF THIS APPLICATION BY LYNDON TOWNSHIP DOES NOT
GIVE, IMPLY OR GUARANTEE CONDITIONAL APPROVAL STATUS TO THE
ABOVE-NAMED PRIVATE ROAD UNTIL CERTAIN CONDITIONS ARE MET
AND APPROVED BY THE LYNDON TOWNSHIP BOARD. UNTIL FINAL
APPROVAL IS GRANTED BY THE LYNDON TOWNSHIP BOARD, LYNDON

APPLICATION FOR CONDITIONALLY APPROVED PRIVATE ROAD

Continued from page 1

TOWNSHIP CONSIDERS THIS PRIVATE ROAD UNAPPROVED AND SUBJECT TO REQUIRING A VARIANCE FROM THE LYNDON TOWNSHIP PRIVATE ROAD ORDINANCE FOR ANY AND ALL PROPERTY IMPROVEMENTS OR LAND DIVISIONS.

Return this form and all attachments and an non-refundable application fee of **\$500.00** and a deposit fee of **\$800.00** to LYNDON TOWNSHIP, 17751 N. Territorial Road, Chelsea, MI 48118.

Received by _____	Date Received _____	Amount paid _____
Action: _____	_____	_____
Approved	Disapproved	Date of Action

Signature: _____
Lyndon Township Clerk

**PLEASE ENCLOSE 10 COPIES OF THE APPLICATION AND ALL
ATTACHMENTS**